

REMARKS

In response to the Office Action dated June 30, 2008, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance. Prior to entry of this response, Claims 1-4, 6-10, 12-16, and 18-21 were pending in the application, of which Claims 1, 16, 20 and 21 are independent. In the Office Action dated June 30, 2008, Claims 1-4, 6-10, 12-16, and 18-21 were rejected under 35 U.S.C. §§ 101, 103(a), and 112, second paragraph. Following this response, Claims 1-4, 6-10, 12-16, and 18-21 remain in this application. Applicant hereby addresses the Examiner's rejections in turn.

I. **Rejection of the Claims Under 35 U.S.C. § 101**

Claims 1-4, 6-10, 12-16, and 18-21 are rejected under 35 U.S.C. § 101 as being directed to non-statutory matter. Specifically, the Examiner states that it is unclear what statutory class the invention is directed to. (See Office Action, page 6.) Independent Claims 1, 16, 20, and 21 have been amended to clarify the instructions executed by the computer-readable medium to perform the claimed methods. Applicant respectfully submits that these amendments overcome this rejection and add no new matter.

II. **Rejection of the Claims Under 35 U.S.C. § 112, Second Paragraph**

Claims 1-4, 6-10, 12-16, and 18-21 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as his invention. Specifically, the Examiner

states that the Claims are incomplete for omitting essential steps for instantiating a forecasting tool. (See Office Action page 8.) The Examiner also states that Claims 16 and 18-19 fail to particularly point out and distinctly claim the subject matter which Applicant regards as the invention because the preamble is unclear what is "configure to:" perform the process steps. Independent Claims 1, 16, 20, and 21 have been amended to clarify the instructions executed by the computer-readable medium to perform the claimed methods. Applicant respectfully submits that these amendments overcome this rejection and add no new matter.

III. Rejection of the Claims Under 35 U.S.C. § 103(a)

Claims 1-4, 6-10, 12-16, and 18-21 are rejected under 35 U.S.C. §103(a) as being unpatentable over "*Cradle-to-Grave Material Management*," 1991 ("*Puckett*") in view of "*Materials Management: A Comprehensive System*," 1994 ("*Berka*"). Independent Claims 1, 16, 20 and 21 have been amended, and Applicant respectfully submits that these amendments overcome this rejection and add no new matter.

According to exemplary embodiments, materials required for a project-type may be represented as a list. (See specification page 8, lines 7-8.) The list may be constructed based on experience (i.e., previous same type projects) and also on any new material requirements for the project-type based on new construction methods, new services, new regulations, etc. (See specification page 8, lines 8-10.) Materials needs for telecommunication projects may be substantial, needing infrastructure to, for example, route fiber-optic cabling from a central office to a subscriber. (See specification, page 2, lines 10-14.) There may be a variety of project types such as new

installation projects, retrofit projects (i.e., where the old copper wire lines are left in place), and overbuild projects (i.e., where the old copper wire lines are removed). (See specification, page 6, lines 1-4.)

Claim 1, as amended, recites, for example, “a project-type table having project-type information for each project-type referenced by the project table, the project-type information comprising a list including each item to be employed in connection with the project-type, wherein the list is constructed based on...at least one telecommunications infrastructure requirement for the project-type.” Amended Claims 16, 20, and 21 each includes a similar recitation. Support for these amendments can be found at least on page 2, lines 10-14.

In contrast, and as stated by the Examiner, *Puckett* does not expressly teach a project-type table having project-type information for each project referenced by the project-type table. (See Office Action page 11, lines 6-7.) Moreover, the Examiner states that *Puckett* does not disclose items to be employed in connection with the project type. (See Office Action page 11, lines 7-8.) Accordingly, *Puckett* can not disclose a list comprising items based on telecommunications infrastructure requirements. Rather *Puckett* is completely silent regarding items to be employed in connection with a project type.

Furthermore, *Berka* does not overcome *Puckett*'s deficiencies. For example, *Berka* merely discloses a material bill module that allows title block entry and modification. (See page 2, col. 2, paragraph 2, lines 1-2.) *Berka*'s material bill module contains information such as: i) area/process system description; ii) project charge code; iii) engineering and construction personnel involved in design and installation; iv)

material need date and staging information; v) applicable installing drawings; and vi) revision description. (See page 2, col. 2, paragraph 2, lines 2-6.) As the Examiner states, neither *Puckett* nor *Berka* teach the use of a material management system limited to telecommunications installation projects. (See Office Action, page 18.) Thus, like *Puckett*, *Berka* cannot disclose considering telecommunications infrastructure requirements, such as central office service equipment, that may impact a project's material needs. *Berka* merely discloses a modifiable material bill.

Combining *Puckett* with *Berka* would not have led to the claimed subject matter because *Puckett* and *Berka*, either individually or in combination, at least do not disclose "a project-type table having project-type information for each project-type referenced by the project table, the project-type information comprising a list including each item to be employed in connection with the project-type, wherein the list is constructed based on...at least one telecommunications infrastructure requirement for the project-type," as recited by amended Claim 1. Amended Claims 16, 20, and 21 each includes a similar recitation. Accordingly, independent Claims 1, 16, 20, and 21 each patentably distinguishable over the cited references, and Applicant respectfully requests withdrawal of this rejection of Claims 1, 16, 20, and 21.

Dependent Claims 2-4, 6-10, 12-15, and 18-19 are also allowable at least for the reasons described above regarding independent Claims 1 and 16 and by virtue of their respective dependencies upon independent Claims 1 and 16. Accordingly, Applicant respectfully requests withdrawal of this rejection of dependent Claims 2-4, 6-10, 12-15, and 18-19.

IV. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the claimed subject matter that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
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